IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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FRIDAY, THE TWENTYNINTH DAY OF JULY

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

* * *

WP.No.16711 OF 2005

Between:

Koduri Chinavenkata Narasimhamurthy

& Ors. … Petitioners

Versus

The District Collector,

West Godavari district & Anr. …. Respondents

Counsel for the Petitioners: Mr.G.Vasantharayudu

Counsel for the Respondents: GOVT.PLEADER FOR REVENUE

O R D E R

This writ petition is filed questioning the action of the respondents in converting the drainage channel named as Palakodu drain (Murugu Kaluva) situate in RS.No.634 of Tanuku Revenue Mandal, West Godavari district into house-sites for assignment purpose as arbitrary, illegal, unlawful and contrary to law.

The case of the petitioners is that they got agricultural lands adjoining Palakodu drain in survey no.634 viz., first petitioner got the land in an extent of Acs:0-83 cents in survey no.638/2, second petitioner got the land got the land in an extent of Acs:1-54 cents in survey no.638/5, third petitioner got the land in an extent of Acs:1-11 cents in survey no.636/11/1, fourth petitioner got the land in an extent of Acs:1-36 cents in survey no.636/11/2, fifth petitioner got the land in an extent of Acs:1-16 cents in survey no.638/3, sixth petitioner got the land in an extent of Acs:0-60 cents in survey no.638/4 and seventh petitioner got the land in an extent of Acs:1-74 cents in survey nos.106/1/2, 106/1 and 106/3.

The petitioners submit that the irrigation channel and drainage channel are passing

through their village and the drains from agricultural lands of adjacent villages will join in the drainage channel, which is known as Palakodu Murugu Kalva and the same will be passing through the lands in survey nos. 634 and 628, which were registered in the revenue records. Further the said lands are being used as drainage for catchments purposes from their forefather time and the same is also reflected in the revenue records as well as the Irrigation Department. Because of the poor maintenance, the excess water is not freely flowing through the drainage channel resulting in retention of the water in agricultural lands, thereby, the petitioners have been making representations to the revenue authorities to strengthen the bunds of irrigation and drainage channel but the same is not being looked into by the concerned authorities and whenever there are heavy rains, the villagers of Tadiparru, Ajjaram, Palangi, Vellagadurru, Mortha and Dammennu are put in a state of fear of submergence of agricultural lands with flood waters.

In view of the above, the petitioners have submitted their representation on 25-7-2005 but no action is taken. Now the petitioners are aggrieved by the action of the respondents in trying to assign tank bed, water course and drainage channel, which is preventing the agricultural lands of the villages of Tadiparru, Velagadurru, Mortha, Undrajavaram, Palangi and Dammennu in the revenue division of Tanuku in West Godavari district in spite of their protest and the petitioners are seeking a direction to the respondents to restrain the respondents from assigning the tank bed and drainage channel of Palakodu for house-site pattas.

Considering the facts and circumstances of the case, without going into the merits or otherwise, I deem it appropriate to dispose of the writ petition at the admission stage

directing the first respondent to consider the representation of the petitioners dated 25-7-2005 and pass appropriate order on merits and in accordance with law, after affording reasonable opportunity of hearing the petitioners, within twelve weeks from the date of receipt of a copy of this order. Till such time, the respondents are directed not to interfere with the possession and enjoyment of the petitioners over the aforesaid extent of lands.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

JULY 29th, 2005. ----------

I s L. ELIPE DHARMA RAO , J.